UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/798,286

Applicant : Kenneth E. Davis et al.

Filed : March 12, 2004

Art Unit : 3744

Examiner : Gene Louis Bankhead

Docket No. : DA V001-082 (IP-889-2003)

DECLARATION TO DISQUALIFY UNDER 37 C.F.R. §1.130

Commissioner for Patents Mail Stop Amendment P.O. Box 1450 Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

- 1. This declaration is to establish that the above-identified application for VARIABLE SPEED REFRIGERATION SYSTEM and TEMPERATURE CONTROL SYSTEM FOR A REFRIGERATED COMPARTMENT, U.S. Patent No. 6,772,601, which was cited by the Examiner as a 35 U.S.C. 103(a) reference, were, at the time the invention of this application was made, owned by the same entity or subjected to an obligation of assignment to the same entity, Maytag Corporation.
- 2. The person making this declaration is an attorney of record.

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FACTS AND DOCUMENTARY EVIDENCE

- 3. To establish that the above-identified patent application and the cited patent, Davis et al, were, at the time the invention of this application was made, owned by the same entity or subjected to an obligation of assignment to the same entity, the following attached documents are submitted:
 - Copy of the Assignment of the above-identified patent application recorded with the U.S. Patent Office Assignment Division on June 10, 2004 on reel/frame no. 015453/0512.
- 4. The above-identified patent application was assigned to Maytag Corporation and is recorded on reel/frame no. 015453/0512.
- 5. Assignment of the patent reference Davis to Maytag Corporation recorded with the U.S. Patent Office Assignment Division on August 29, 2003 is recorded on reel/frame no. 014449/0101.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful and false statements may

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jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

Dated on this <u>23RD</u> day of July, 2007.

/TARA M. HARTMAN/
TARA M. HARTMAN Registration No. 58,805
Telephone: (269) 923-8081

WHIRLPOOL PATENTS COMPANY 500 Renaissance Drive – Ste. 102 MD750 St. Joseph, Michigan 49085

CERTIFICATE OF MAIL	ING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown	below, being:	
deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	★ transmitted by via EFS web filling System	
	/Deborah A. Tomaszewski/	
	Signature	
Date: July 23, 2007	Deborah A. Tomaszewski	
	(type or print name of person certifying)	

ASSIGNMENT

whose post office address(es) appear(s) below, hereinafter referred to as ASSIGNOR, (is (are) the owner of certain new and useful improvements in VARIABLE SPEED REFRIGERATOR SYSTEM

(hereinafter referred to as the INVENTION) for which an application for United States Letters Patent was

Wetekamp

executed on even date herewith

Notary Public - State of Illinois
My Commission Expires Feb 19, 2007

WHEREAS, I (we), Kenneth E. Davis, Alvin A. Miller, Joseph H. Ryner, Kyle B. Van Meter and Robert L.

	executed on:			
\boxtimes		Serial No. 10/798,286		
	established by PCT International Patent Applica	ation No.:	Filed:	
Hereina	WHEREAS, MAYTAG CORPORATION post office address is 403 West Fourth Street Nort office referred to as ASSIGNEE, is desirous of acquestates and throughout the world;		and interest in and to the same in the	
INVEN Patent g title and invento the Pari title and	NOW, THEREFORE, for good and valuable con JOR, do sell, assign and transfer unto said ASSIGNION and application throughout the United States are an any division, continuation, continuation interest in and to the said INVENTION through a certificates in respect thereof and to claim priorical international Convention and all other available interest in and to any and all patents, patents of and inventor certificates which may be granted the	NEE, the entire right, title attest of America, including a continuous part and reissue of sacout the world, including the fity pursuant to rights accord international conventions addition, utility models, p	and interest in and to said ny and all United States Letters id application; and the entire right, he right to apply for patents and ded ASSIGNOR under the terms of and treaties; and the entire right, hatents of importation, revalidation	
the Uni to affire agrees, ASSIGN or conto ASSIGN	ALSO, ASSIGNOR hereby agrees to execute as ag, prosecution and maintenance of said application and states and in foreign countries for said INVEN in the rights of ASSIGNEE in and to said INVENT without further consideration and at ASSIGNEE'S NEE'S request documents and information concerted and to provide further assurances and testimos NOR in respect of the prosecution, maintenance at the terms of this instrument. ASSIGNOR'S obligations	on or any other patent app. NTION, including addition TON, all without further co S expense, to identify and o ning the INVENTION that ny on behalf of ASSIGNEE and defense of any patent a	lication(s) or inventor certificate(s) in al documents that may be required onsideration. ASSIGNOR also communicate to ASSIGNEE at are within ASSIGNOR'S possession that lawfully may be required of opplication or patent encompassed	
all Unit and to t and suc same w	ASSIGNOR hereby authorizes and requests the ed States Letters Patent referred to above to ASSIGNEE'S sole use and behoof; and recessors, to the full end of the term for which such rould have been held by ASSIGNOR had this agreement authorizes any member of DIEDE ation in this document needed to effect its recordant	e Commissioner of Patents GNEE, as the ASSIGNEE of and for the use and behoof of Letters Patent may be gra rement and sale not been n	and Trademarks to issue any and f the entire right, title and interest in f ASSIGNEE'S legal representatives need, as fully and entirely as the nade.	·
Assignor Na	ma	Address		
Assignor Iva	Kenneth E. Davis		506 West 34th Street	
Where Signe		•	Berwyn, IL 60402	
Date	4 May 4	Signature	Duo	
<u> </u>		(Notarization p	referred but not required)	
Before me p	day of MOTEVIAL SEAL 20 04.	S and acknowledged this i	nstrument to be his (her) free act and decay Public	ed this

My commission expires 2/19/07

UTILITY -WORLD-NOTARIZATION Atty Docket:DAV001-082

Assignor Name	Address			
Alvin V. Miller	1569 Conestoga Trail, NE			
Where Signed	Swisher, IA 52338			
Amana, IA				
Date	Signature / A / A / /			
4-23-64	Mon V. Mille			
Tama				
<u> </u>	(Notarization preferred but not required)			
ss.				
Before me personally appeared Alvin V Miller deed this	and acknowledged this instrument to be his (her) free act and			
23rd day of April 2004	Mr. Andles			
SARI HACKER	Notary Public			
Commission Number 143384 My Commission Expires	2			
My Commission Expires 5-21-05	My commission expires 5 21-05			
Assignor Name	Address			
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Where Signed	New Willusof, IL 01403			
Amana, IA	1			
Date	Signature 111 V 9429/64			
4-29-04	Cloudh H. 4			
<u> Towa</u>	(Notarization preferred but not required)			
Iowa ss.	44 A			
T. 11 P.	.			
Before me personally appeared Toseph H. Kyncr deed this	and acknowledged this instrument to be(his)(her) free act and			
29th day of April 2004.	San Hacker			
	Notary Public			
SARI HACKER Commission Number 143384	My commission expires 5-21-05			
My Commission Expires	My commission expires 3 4 0 5			
5-21-05				
Assignor Name Kyle B. VanMeter	Address 685 Avalon Place			
•	Coralville, IA 52241			
Where Signed	Coldivino, IA 52271			
Amana IA				
Date	Signature			
4-23-2004	Kyle B. Van Setel			
Tours	'			
Lowa	(Notarization preferred but not required)			
Before me personally appeared Kyle B. WinMeter deed this	and acknowledged this instrument to be his (her) free act and			
23rd day of ADril 2004	Sari Hacter			
SARI HACKED	Notary Public			
Commission Number 143384 My Commission Expires	My commission expires 5-21-05			
See following page() for additional joint assignees				

UTILITY -WORLD-NOTARIZATION Atty Docket:DAV001-082

Assignor Name	Address
Robert L. Wetekamp	201 Bever Lane, SE
Where Signed	Cedar Rapids, IA 52403
	·
Hmana, IA	Signature,
Date #-23-04	Signular ()
9-23-04	JUS W
Louia	(Notarization preferred but not required)
Toua ss.	
Before me personally appeared Robert L. Wetcke mp deed this	and acknowledged this instrument to be his (her) free act and
	Joseph .
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SARI HACKER Commission Number 143384 My Commission Expires	•
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Assignor Name	Address
Where Signed	-
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Date	Signature
	(Notarization preferred but not required)
SS.	
Before me personally appeareddeed this	and acknowledged this instrument to be his (her) free act and
day of, 20	Notary Public
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Assignor Name	Address
Where Signed	
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deed this	weeken and manner to be the first five act and
day of 20	
	Notary Public
	My commission expires
	My conmussion expires

See following page(s) for additional joint assignees